IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 8681 of 1995

Between:

1 K. Ramu, s/o. K. Laxmaih,
2 M. Raju, s/o. M. Ananthaiah,
3 K.N. Srinivas Rao, s/o. K.L. Nagabhushanam,
4 N. Narasimha Rao, s/o. N. Venkateshwarlu,
5 R. Narender Reddy, s/o. R. Yadav Reddy,
6 G. Narasimha Reddy, s/o. G. Krishna Reddy,
7 S.M. Shafee, s/o. s.M. Khader Basha,
8 C. Trikrama Raju, s/o. C. Subba Raju,
9 K. Venkateshwara Rao, s/o. K.S.R. Anjaneyulu,
10 V. Suresh Chandra Prasad, s/o. V. Venkata Mallaiah,
11 T. V. Kameswara Rao, s/o. T. T.V. Krishna Rao,
12 Bommareddy Srinivas Reddy, s/o. B. Anji Reddy,
13 M . Muralidhar Rao, s/o. M. Krishna ,
14 Ravi Kumar S. Deccan, , s/o. D. R. Sathyanarayana,
15 Jandhyala Anjaneyulu, s/o. late J. L. Narasimham,

(The address of above petitioners, is C/o. K. Ramu,
R/o. H.No. 2-2-1167/3/51, Tilaknagar,

Nallakunta, Hyderabad- 500 044)

..... PETITIONER(

AND

1 The Hyderabad Allwyn Limited, Sanathnagar, Hyderabad,

rep by its Managing Director.
2 Government of Andhra pradesh, rep by its

Secretary, industries & Commerce Department,
A.P. Secretariat, Hyderabad.
3 The Member - Secretary, APSEB Vidyut Soudha, Hyderabad.
4 The Transmission Corporation of AP Ltd.,

Vidyut Soudha, Khairatabad, Hyderabad.rep. by
Chairman and Manging Director
5 A.P.Power General Corporation Ltd.,

Vidyut Soudha, Khairatabad, Hyderabad.rep. by
Chairman and Manging Director
6 A.P.C.P.D.C.L. Singareni Bhavan, Red Hills,

Hyderabad, rep. by its Chairman & Managing Director
(RR 4 to 6 impleaded as per court order dt. 10-11-2004 in
WPMP 15344 of 2004) **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Pleased to issue an order, direction of writ, particularly one in the nature of Writ of Mandamus, declaring the action of Respondents in not absorbing the petitioners as Assistant Engineers as directed by the Government in G.O.Rt.Nos.383 and 384. Industries and commerce department dt. 31-3-1993 as illegal, arbitrary and unjust, and consequently direct the Respondents to (1) absorb the Petitioners to the post of Assistant Engineers as equivalent to the post in APSEB with effect from 31-4-1993 with all consequential benefits; (2) credit the earned leave and sick leave which the petitioners earned in Hyderabad Allwyn, to the leave account of the Petitioners in APSEB; (3) to contribute the Employees Provident Fund share and credit the same to the respective Employees Provident Fund account of the Petitioners; (4) to transfer the Petitioners herein to the twin cities; (5) pay the salary to the petitioners for the months of May and June, 1993; and grant such other relief or reliefs as this Hon'ble court may deems fit and proper under the circumstances of the case.

Counsel for the Petitioner: Mr.G.VIDYASAGAR

Counsel for Respondent No.1: Mr. K.Srinivasa Murthy

Counsel for Respondent No.2: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.3 : None appears

Counsel for Respondent No.4: Sri S.Ravindranath

Counsel for Respondent No.5: Smt. K.Sesharajyam

Counsel for Respondent No.6: None appears

The Court made the following :

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ORAL ORDER:

Though various reliefs are sought for in the writ petition, learned counsel for the petitioners submits that the petitioners are interested only in their regular absorption into the services of the respondent-Corporations as Assistant Engineers as per G.O.Rt.Nos.383 and 384, Industries and Commerce Department, dated 31-3-1993.

Petitioners were originally employed by Hyderabad Allwyn Limited. However, in view of the transfer of the said Undertaking to M/s.Voltas Ltd., some employees remained surplus and the State Government took a decision that 1481 employees of Hyderabad Allwyn Limited would be absorbed in various Government Departments and State level public enterprises. In pursuance of the said decision, the petitioners were absorbed into the services of the erstwhile A.P. State Electricity Board (now A.P.Genco and A.P.Transco) as Assistant Engineers as per the above Governmental Orders. The case of the petitioners is that though they were absorbed into the services of the then A.P. State Electricity Board and though more than 800 posts in various cadres including Mechanical Engineers were filled up, their services have not been regularized. On absorption, they have become permanent

employees of APSEB and they are entitled for regularization of their services with effect from 31-3-1993. It is asserted that the very same matter was a subject matter of decision before a Full Bench of this Court in W.P.No.22230 of 1996 and batch and by Judgment dated 15-10-1997, the writ petitions were allowed. Government of Andhra Pradesh carried the matter in appeal and the Apex Court affirmed the said Judgment of the Full Bench of this Court and dismissed the appeals by a decision reported in **GOVERNMENT OF A.P. v. V.S.R. MURTHY** observing as under:

> "14. The sequitur is that when the Act was made effective from 26-11-1996, the Act cannot have any application to the present employees at all. It may be for the purpose of convenience or for other reasons the Government may have placed them in supernumerary posts or other kinds of posts but it was publicly declared before a competent statutory forum that the modalities for placement of 1486 employees in various Government Departments and State level public enterprises are complete and, therefore, that position cannot now be doubted or disputed."

In view of the above, it must be deemed that the petitioners are regularly absorbed into the services of the respondent-Corporations and as such, they are entitled for regularization of their services from the date of their entry into APSEB i.e. with effect from 31-3-1993.

Learned counsel for the petitioners drawn attention of the Court to the correspondence between the Member-Secretary, APSEB and the Commissioner of Public Enterprises (Ex-Officio Principal Secretary, General Administration Department, Government of Andhra Pradesh) dated 5-5-1993 wherein it was stated that the APSEB had already discussed the issue of appointments with the erstwhile Hyderabad Allwyn Employees on 3-5-1993 and felt that those candidates, who possess appropriate and relevant qualifications/experience will only be absorbed in the services of APSEB.

Now, the question is not with regard to absorption, but relating to regularization of services of petitioners from the date of their entry into APSEB in pursuance of the Governmental Orders referred to supra. Petitioners have made an allegation that almost 800 vacancies had arisen since 31-3-1993 and their services have not been regularized in those vacancies, but outsiders have been appointed in those vacancies and their services were also regularized. In view of the observations made by the Supreme Court, as noticed above, it must be deemed that the petitioners have already been absorbed into the services of APSEB (now bifurcated into Corporations of respondents 4 and 5). Therefore, the petitioners are entitled for

regularization of their services with effect from 31-3-1993.

Under the above circumstances, the respondents are directed to consider the case of the petitioners for regularization of their services from the date of their entry into the services of APSEB i.e. from 31-3-1993 and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

09-12-2004.

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director, Hyderabad Allwyn Limited,

Sanathnagar, Hyderabad.
2 The Secretary, Government of Andhra Pradesh,

Industries & Commerce Department,
A.P. Secretariat, Hyderabad.
3 The Member - Secretary, APSEB, Vidyut Soudha, Hyderabad.
4 The Chairman and Managing Director,

Transmission Corporation of AP Ltd.,

Vidyut Soudha, Khairatabad, Hyderabad.
5 The Chairman and Managing Director,

A.P.Power General Corporation Ltd.,

Vidyut Soudha, Khairatabad, Hyderabad.
6 The Chairman and Managing Director,

A.P.C.P.D.C.L. Singareni Bhavan, Red Hills,

Hyderabad.

7. 2CCs to G.P. for Industries and Commerce, High Court Buildings, Hyderabad (OUT)

8. 2CD copies

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